

Clerk, U.S. District Court  
Southern District of Texas  
FILED

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

MAR 13 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Erica Zamora  
Zamora-per order of BJE  
on 3-13-15

## CRIMINAL COMPLAINT

Case Number: C-15-296M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/11/2015 in Kenedy County, in the

(Date)

Southern District of Texas defendant(s), Erica Zamora

Zamora -per order of BJE on 3-13-15

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Robert Pina

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No

Signature of Complainant

Robert Pina

Printed Name of Complainant

Sworn to before me and signed in my presence and probable cause found on:

March 13, 2015

Date

at 1:40pm at

Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

## Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On March 11, 2015, Border Patrol Agent (BPA) Brian Carter, was performing primary inspection duties at the United States Border Patrol Checkpoint in Sarita, Texas when he encountered Erica ZAMORA, Maria PERALES and Leticia ARAUJO-Miranda.

At approximately 3:40 pm, ZAMORA, PERALES, and ARUAJO-Miranda, arrived at the primary inspection area traveling in a red in color 2005 Dodge Grand Caravan. When the vehicle came to a stop, ZAMORA was driving, PERALES was in the front passenger seat and ARUAJO-Miranda was not visible. BPA Carter immediately noticed that ZAMORA appeared nervous because she was shifting around in her seat and was overly friendly, something that is not common to him. BPA Carter looked inside the van and asked ZAMORA if the van belonged to her and she answered that it belonged to a friend. As ZAMORA was answering agent Carter's question, he noticed the vehicle was very clean. In Agent Carter's experience, this is something that is suspicious because the majority of vehicles he inspects have some sort of personal effects inside. According to Agent Carter's experience, smugglers sometimes clean out load vehicles to remove anything that might be lost if the vehicle is seized by law enforcement while being used in illegal activity. As agent Carter began his immigration inspection, BPA Michael Hibdon with his canine partner Zora-C, began conducting a non-intrusive free air sniff of the vehicle's exterior.

Agent Carter then asked ZAMORA if she was a United States citizen and ZAMORA stated that she was. Agent Carter then asked ZAMORA if she had any identification and she immediately presented a Texas ID which she had readily available in the door's arm rest. At that time agent Hibdon asked if he and his canine partner could search the rear of the van. ZAMORA gave consent, put the van in park and unlocked the doors. Agent Carter then asked if he could open the side door and search the inside of the van to which she responded yes, and agent Carter proceeded to open the door and immediately noticed that it was clean and smelled as if it was recently shampooed. According to agent Carter, this is also an indication to him of a possible attempt to conceal or remove odor of concealed contraband or humans. Concurrently, agent Hibdon was walking his canine partner around the vehicle. As agent Hibdon's canine partner approached the open side door, the canine lunged toward the passenger compartment.

While the door was still opened, agent Carter noticed that the floor mats were turned upside down on top of, or covering the stow-away seat compartment and also noticed that the lid that covers the stow-away compartment was bulging up and was not flush as it should be. Agent Carter then asked ZAMORA if she could open the stow-away compartment and she nervously responded that it was broken. Agent Carter then shut the door and directed his attention to PERALES, the passenger, by asking her if she was a United States citizen to which she responded that she was. Agent Carter then asked her for an identification and she responded that she didn't have one. At that point, agent Hibdon informed agent Carter that his canine had alerted to the van therefore, agent Carter asked ZAMORA if it was okay to search the vehicle and she stated that it was okay. Agent Hibdon then asked ZAMORA where she was going and she stated she was going to visit her son and sister in Kingsville, Texas.

At that point, agent Carter explained to ZAMORA where to park for a secondary inspection of the vehicle. Once in the secondary area, ZAMORA was extremely nervous, she was fumbling with her keys as she was handing them over to Agent Carter and kept locking the van with the alarm's remote. After this was done, agent Carter escorted ZAMORA and PERALES inside the checkpoint into the waiting

area. Once ZAMORA and PERALES were clear of the vehicle, agent Hibdon and his canine partner began their search of the vehicle. Almost immediately, agent Hibdon informed agent Carter his canine had alerted and indicated to the stow-away compartment of the van. BPA Carter then lifted the stow-away lid and saw a human arm. After Agent Carter saw the human arm, he advised the checkpoint supervisors via radio, that he had an alien smuggling case and told them to place ZAMORA and PERALES under arrest. Agent Carter then opened the lids completely and discovered one subject, (Leticia ARAUJO-Miranda). At that point, Agent Carter removed the subject from the van and determined that she was illegally present in the United States.

After further inspection of the stow-away compartment, agents in the field discovered that the compartment had been modified for the purpose of hiding contraband or humans. The cross member which supports the two lids was unbolted and the ridge on the floor of the compartment was hammered flat.

#### MIRANDA RIGHTS FOR ZAMORA:

Erica ZAMORA was read her Miranda Warnings in the English language by BPA Carter at approximately 4:00 p.m. ZAMORA stated that she understood her rights and was willing to make a statement and answer questions. ZAMORA signed form I-214 accordingly. The reading and signing of the Miranda Warnings were witnessed by BPA Orlando Ortiz.

At approximately 4:15 pm Erica ZAMORA made the following statement. ZAMORA stated she left her house in McAllen, Texas to go to Kingsville, Texas to visit her son who was staying with her sister Blanca ZAMORA. ZAMORA was borrowing the van from a lady named "Erika" whom she had sold it to about two weeks ago. "Erika" let ZAMORA borrow the vehicle because "Erika" still owed her money on the van. ZAMORA brought her friend Cynthia (Maria PERALES) with her because she did not want to drive alone to Victoria, Texas. ZAMORA and PERALES left ZAMORA's house and drove through the parking lot of Buffalo Wild Wings bar and grill to go and visit with some male friends. Once outside Buffalo Wild Wings, she saw ARAUJO standing there and decided to give her a ride because she was willing to pay her 800.00 USD and she also felt compassion for ARAUJO. Once on the way north ZAMORA and PERALES tried to coach her on what to say. Both ZAMORA and PERALES attempted to tell her to say "United States Citizen" but she wouldn't try or comprehend. As they were traveling north on Highway 77 the ARAUJO stated that she was going to only pay them \$400 because that is all she had available. As they approached the checkpoint, ARAUJO began looking for a place to hide. ARAUJO then opened the lid to the stow-away compartment and got inside but was only there for a few minutes because they were later arrested. ZAMORA recollected that once ARAUJO was inside the compartment PERALES put the mats on top of the lids.

At approximately 6:45 pm Erica ZAMORA was re-advised of her Miranda Warnings in the English language and made the following voluntary statement. ZAMORA claimed she received a phone call from a guy she knows by the name of "Flaco". Flaco asked ZAMORA if she wanted to make some money and she agreed. Flaco brought the van to her apartment with the female subject (ARAUJO) already inside sitting in the very back seat. Soon after arriving at her apartment, ZAMORA and PERALES saw Flaco get in a brown van and drive away. At that time, ZAMORA, PERALES, and ARAUJO got in the red Dodge van and drove non-stop from ZAMORA's apartment until arriving at the checkpoint. As ZAMORA, PERALES, and ARAUJO were approaching the checkpoint, ARAUJO concealed herself in the stow-away compartment without being told to do so according to ZAMORA. PERALES then covered up the lids with the upside down floor mats. ZAMORA also stated she was going to take the female subject to Victoria, Texas and was going to receive \$800 as payment once they arrived in Victoria.

ZAMORA did not know her destination but what she did know was that ARAUJO was going to receive a call once they got close to Victoria to receive instructions as to where to meet a different smuggler.

Record checks on ZAMORA revealed her having two prior illegal alien administrative cases. One case occurred on February 12, 2015 and the other occurred on November 06, 2012.

#### MIRANDA RIGHTS FOR PERALES:

Maria PERALES was read her Miranda Warnings in the English language by BPA Carter at approximately 4:03 PM. PERALES stated that she understood her rights and was not willing to make a statement and answer questions. PERALES signed form I-214 accordingly. The reading and signing of the Miranda Warnings were witnessed by BPA Ortiz.

PERALES refused to make a statement on March 11, 2015 at 4:03 PM however, on March 12, 2015 at approximately 11:40 AM, PERALES requested to speak with Border Patrol Agents in order to voluntarily give the agents her facts of the case.

PERALES was re-advised of her Miranda Rights in the English language by Border Patrol Agent Rene Alvarez and witnessed by Border Patrol Agent Luis Zamora. PERALES signed the I-214 stating she understood her rights and was willing to make a statement.

Maria Jose PERALES stated she has known Erica ZAMORA for two years through her sister, Rose Mary Zamora. PERALES claims that she got involved with ZAMORA and "El Gordo" by smuggling illegal aliens through the border patrol checkpoints. PERALES stated that ZAMORA, El GORDO, and "Erika" have all worked together in alien smuggling in the past and have been successful getting past both checkpoints with undocumented aliens before. PERALES knows that ZAMORA has been apprehended by Border Patrol before but, she did not know the specifics as far as how many apprehensions. PERALES also admitted that ZAMORA has been very successful before when ZAMORA has smuggle illegal aliens along with her sister.

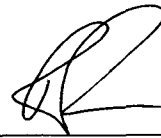
On March 11, 2015, PERALES stated she was contacted the day before by ZAMORA which told her that she had "work" (pertaining to transporting undocumented aliens past the checkpoint). ZAMORA told PERALES to meet her at the O'Reilly's auto parts store located on 23rd street in Brownsville, Texas. The purpose of that meeting was to discuss the details about the transporting. PERALES arrived at the O'Reilly's and met up with "El Gordo". Moments later, ZAMORA and an unknown female (ARAUJO) arrived in a red Dodge Caravan. PERALES believes the van belongs to ZAMORA but was purchased by "El Gordo" originally. At that point, PERALES, ZAMORA, and ARAUJO drove from that location to a Jack in the Box restaurant, followed by Highway 77 in route to Victoria, Texas. PERALES stated she was going to get paid her usual amount of \$100 USD for food and gas but also \$500 USD for transporting the undocumented alien to Victoria, Texas plus an extra \$100 USD as a tip. PERALES does not know how much Erica was paid however, PERALES believes it to be at least \$1,000 USD because according to her, ZAMORA always drives the transport vehicles through the checkpoint.

#### MIRANDA RIGHTS FOR ARAUJO:

Leticia ARAUJO-Miranda was read her Miranda Warnings in the Spanish language by BPA Carter at approximately 4:05 p.m. ARAUJO-Miranda stated that she understood her rights and was willing to make a statement and answer questions. ARAUJO-Miranda signed form I-214 accordingly. The reading and signing of the Miranda Warnings were witnessed by BPA Ortiz. Leticia ARAUJO-Miranda made the following statement at approximately 5:15 pm. ARAUJO-Miranda stated that she had already paid \$5000 to be taken to Houston, Texas. ARAUJO crossed the Rio Grande River on March 8, 2015 at approximately 1:00 p.m. from Miguel Aleman, Mexico to Rio Grande City, Texas. ARAUJO crossed

with three other illegal aliens and immediately was taken to a stash house. ARAUJO stayed at the house for three days and on March 11, 2015, a young man came to the house she was being stashed in, to pick her up. The man instructed her to get into the compartment of the van and stay there until she was told to come out. After the man took ARAUJO from the house, they went to what appeared to be a shopping center. While ARAUJO was in the compartment and was being transported to the shopping center, ARAUJO overheard that once they got past the checkpoint, they would let her out of the compartment and someone else would pick her up and continue to Houston, Texas. ARAUJO stated she did not see or speak with the two females ZAMORA or PERALES at any time.

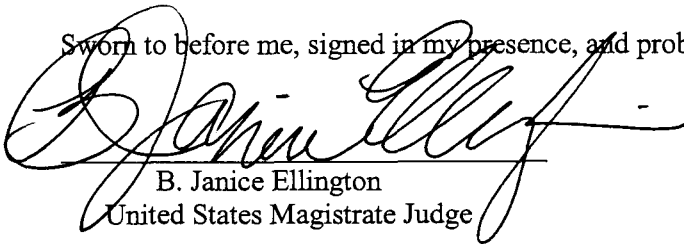
The facts of this case were presented to Assistant United States Attorney Keneth A. Cusick who accepted Erika ZAMORA for the prosecution of alien smuggling.



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Robert Pina  
Border Patrol Agent

Sworn to before me, signed in my presence, and probable cause found on this 13<sup>th</sup> day of March 2015.



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B. Janice Ellington  
United States Magistrate Judge